

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2264**

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**Introduced by Assembly Member De Leon**  
(Principal coauthor: Senator Liu)  
(Coauthors: Assembly Members *Bass, Jones, and Skinner*)

February 18, 2010

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An act to add Section 1463.011 to the Penal Code, relating to debt collection.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2264, as amended, De Leon. Debt collection: homeless youth.

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order.

This bill would ~~require the~~ *prohibit a court to consider collection alternatives to the garnishment of earnings from garnishing wages or the levy of levying a bank account for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court due to the violation of state or local law related to against a person under 25 years of age who has not paid a ticket for truancy, loitering, curfew violations, or illegal lodging if the court has reason to believe that the debtor is a homeless youth, as defined obtains information that the person is homeless or has no permanent address. This bill would authorize a court to use these collection procedures when that person*

is 26 years of age or older. The bill would make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3 (a) There are approximately 1.6 million homeless youths  
4 nationwide, according to the United States Department of Justice.
- 5 (b) Youths become homeless and disconnected from their  
6 parents for three primary reasons:
- 7 (1) They flee homes that have become dangerous.  
8 (2) Their parents force them from their homes.  
9 (3) As a matter of state policy, foster youths, who have been  
10 abused or neglected, are forced onto the streets on their 18th  
11 birthdays.
- 12 (c) Shelters are frequently full or predominantly serve adult  
13 homeless persons. These shelters, even when they have available  
14 space, can be dangerous for youths.
- 15 (d) Despite all of this, homeless youths are routinely ticketed  
16 for offenses that are the inevitable symptoms of the homelessness  
17 that adults have imposed upon them. These offenses include  
18 truancy, loitering, curfew violations, and illegal lodging.
- 19 (e) The California Research Bureau has documented that if a  
20 homeless youth fails to show up to contest or pay a ticket, that  
21 homeless youth's wages or bank accounts may be garnished and  
22 his or her credit report may be damaged.
- 23 (f) Garnishment of the wages and savings of a homeless youth  
24 and the damage to his or her credit report makes it far harder for  
25 homeless youths, attempting to pull themselves up by their  
26 bootstraps, to rent their own apartments and end their homelessness  
27 by their own willpower and initiative.
- 28 (g) The state should not tolerate practices that promote  
29 homelessness among its young people. It should certainly not do  
30 so by taking sums of money from homeless youths trying earnestly  
31 to work and save their way out of their homelessness, when it is  
32 the state and adults who have forced these youths into homelessness  
33 in the first place.

(h) Moreover, crimes are often made crimes to dissuade individuals from engaging in unwanted behavior. But, homeless youths are not homeless by election. Thus, because taking money from homeless youths makes it more, and not less, likely that they will continue to be homeless, these practices actually encourage the commission of offenses the laws are meant to dissuade, such as vagrancy and loitering.

(i) It is therefore in the best interest of the state to discourage practices that make it more difficult for youths who are homeless by the hand of adults to obtain housing on their own, through their own hard work, against significant odds, without exculpating them from the offenses they commit.

SEC. 2. ~~Section 1463.011 is added to the Penal Code, to read:~~

~~1463.011. (a) The court shall consider collection alternatives to the garnishment of earnings or the placement of a levy on a bank account for the enforcement or collection of fees, fines, forfeitures, or other penalties imposed by a court due to the violation of a state or local law related to truancy, loitering, curfew violations, or illegal lodging if the court has reason to believe that the debtor is a homeless youth.~~

~~(b) For purposes of this section, “homeless youth” means a person younger than 25 years of age who has violated a provision of state or local law related to loitering, truancy, curfew, or illegal lodging and who lacks a fixed, regular, adequate nighttime residence. “Homeless youth” includes, but is not limited to, a person who, due to loss of housing, lack of adequate alternative accommodation, economic hardship, or because he or she is awaiting placement in foster care, presently resides in any of the following:~~

~~(1) The home of a person who is not his or her parent or legal guardian.~~

~~(2) A motel, hotel, or campground.~~

~~(3) An emergency transitional shelter or hospital.~~

~~(4) A public or private place that is not designed or ordinarily used for a regular sleeping accommodation for human beings, including, but not limited to, a park or other public space, an abandoned building, an automobile or other vehicle, or a bus or train station.~~

SEC. 2. *Section 1463.011 is added to the Penal Code, to read:*

1     1463.011. (a) Notwithstanding any other provision of law, if  
2     a court, during the course of its routine efforts to collect fees, fines,  
3     forfeitures, or other penalties imposed by a court due to the  
4     violation of a state or local law, obtains information indicating  
5     that a person under 25 years of age, who has not paid a ticket for  
6     truancy, loitering, curfew violations, or illegal lodging, is homeless  
7     or has no permanent address, the court shall not garnish the wages  
8     or levy against bank accounts of that person until that person is  
9     older than 25 years of age, as that age is recorded by that person's  
10    credit report or other document already in the possession of the  
11    court.

12    (b) For purposes of this section a person is considered to be  
13    "homeless" or as having "no permanent address" if that person  
14    does not have a fixed, regular, adequate nighttime residence, or  
15    if that person resides in any of the following:

16    (1) The home of a person who is not his or her parent or legal  
17    guardian.

18    (2) A motel, hotel, or campground.

19    (3) An emergency transitional shelter or hospital.

20    (4) A public or private place that is not designed or ordinarily  
21    used for a regular sleeping accommodation for human beings,  
22    including, but not limited to, a park or other public space, an  
23    abandoned building, an automobile or other vehicle, or a bus or  
24    train station.

25    (c) Nothing in this section shall be construed to prevent a court  
26    from engaging in any other lawful debt collection activities.

27    (d) Nothing in this section shall be construed to require a court  
28    to perform any further investigation or financial screening into  
29    any matter beyond the scope of its regular duties.

30    (e) Nothing in this section shall be construed to prevent the  
31    Judicial Council from altering any best practices or  
32    recommendations for collection programs pursuant to Section  
33    1463.010.